

ADMINISTRATIVE - INTERNAL USE ONLY

This Notice Expires 1 July 1979

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PERSONNEL

8 June 1978

THREE-YEAR LEAVE WITHOUT PAY POLICY

1. The Agency has now had approximately five years experience with the policy of granting three-years leave without pay (LWOP) to employees accompanying employee spouses to assignments outside the Headquarters area. While the initial intent was to limit this benefit to a one-time grant, the policy has recently been reviewed by the Executive Advisory Group and recommended new guidelines have been approved by the Deputy Director of Central Intelligence.

2. It is Agency policy to assign employee couples to the same field location whenever possible. Operating components make every effort, within good personnel management practices and the availability of appropriate positions, to accommodate the desires of these employees and to this end will give particular consideration for long-range planning for their assignments.

3. When dual assignments are not possible, one of the employees may request LWOP to accompany the employee spouse to an assignment outside the Headquarters area. The following guidelines will be followed in processing such requests:

a. A grant of three-years LWOP may be approved for employees who have either completed the former one-year trial period or two years of the new three-year trial period of employment.

b. A three-year LWOP grant may be extended when the tour of the assigned employee is extended for the convenience of the Government. The grant may also be extended to allow for a reasonable period of time after completion of the tour prior to return to duty, but not to exceed 60 days.

c. Subsequent grants of three-years LWOP may be approved provided they are interspersed with assignments as staff employees of at least three-years duration.

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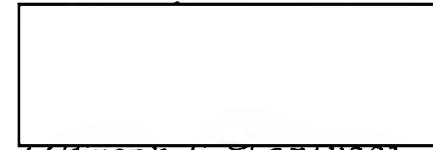
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d. Individuals who break the three-year LWOP with staff or contract employment may return to the LWOP status for the period of time remaining in the original grant if the assignment for which it was originally approved has not been completed. LWOP in the three-year grant unused during one tour assignment is not applicable to a subsequent tour.

4. This grant of three-years leave without pay does not guarantee reinstatement to staff status at the former grade and responsibilities upon return to Headquarters. Individuals in this status, however, are given first consideration by the parent organization for any vacant position for which qualified. Former employees, not approved for the three-year grant of LWOP, who wish to return to staff employment with the Agency are given next priority consideration for reappointment when suitable positions become available. Operating officials who are unable to provide a suitable position for the returning employee spouse within their components will be assisted by the Career Service and the Office of Personnel in their placement efforts.

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Frank C. Cariucci
Deputy Director of Central Intelligence

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does not thereby start a new waiting period to meet the time requirements for a regular within-grade increase. When a quality step increase places an employee in the fourth or seventh step of the grade, credit is given for the time spent at the lower step towards completion of the waiting period requirement for advancement to the fifth or eighth steps.

(7) Relation to Honor and Merit Awards. While the quality step increase is a device specially geared to recognize and reward high quality performance, incentive awards will continue to be available for granting monetary as well as honorary recognition for excellence in performance and in some cases will be a more appropriate form of recognition and reward. When conditions for quality step increases are met, but it is considered that this kind of recognition would be insufficient, a supervisor may recommend another more appropriate honor or merit award. This might occur, for example:

(a) When an employee would enjoy the benefits of an additional within-grade increase for an insufficient length of time (e.g., nearing retirement or about to resign).

(b) When the employee's contribution is so significant that a lump-sum payment is more fitting recognition than a smaller continuing benefit. Because the quality step increase is related to the employee's overall performance of specific job functions in a position at or above the currently held grade for a six-month period, an incentive award is the only choice when achievements are nonrecurring, occur in a special work situation of limited duration, or are the result of a group achievement.

(4) PROMOTIONS

(a) Employees (other than those serving in a salary retention period) who are promoted to a higher grade will receive basic compensation at the lowest step of the higher grade that exceeds their existing rate of basic compensation by not less than two step increases. If there is no rate in the higher grade that is at least two step increases above their existing rate of basic compensation, they will receive the maximum rate of the higher grade.

(b) Employees who are promoted to a higher grade while serving in a salary retention period (as authorized in accordance with paragraph (5)(d)) will receive basic compensation either at the lowest step of the higher grade that is two step increases above the rate that they would have been receiving were it not for salary retention, or at their retained rate, whichever is higher.

→ (5) CHANGES TO LOWER GRADE AND SALARY RETENTION

(a) For Other Than Unsatisfactory Job Performance. Employees who are reduced to a lower grade for any reason other than unsatisfactory job performance will be paid at the highest step in the lower grade that does not exceed their existing rate of compensation. If their rate of compensation in the higher grade falls between two steps in the lower grade, the higher of the two steps may be used at the discretion of the Director of Personnel.

(b) Unsatisfactory Job Performance. Employees who are reduced to a lower grade as a result of unsatisfactory job performance will be paid at the step of the lower grade to which they would have progressed had they held the lower grade throughout the period that they held the higher grade. Their rate of compensation at the lower grade will not exceed their rate of compensation at the grade from which they were reduced.

PROPOSED HEADQUARTERS NOTICE

Assignment of Working Married Couples to Field Stations

1. In recognition of the increasing number of working married couples within the Agency and the resulting complexities which arise in determining field assignments, this statement is being issued to clarify policy in this regard.

25X1 2. The Agency's basic assignment policy remains as stated in [redacted]; which is: "The paramount consideration in determining assignments of personnel will be the needs of the Agency. Due consideration will be given to the career interests and the personal circumstances of the individual, but these must be subordinated to Agency requirements."

3. Within this general framework the Agency will make every reasonable effort to assign both members of a working married couple to the same station, in staff positions appropriate to their grade and qualifications. If such assignments are not possible, the couple will be provided counseling on possible options. The couple may elect to accept separate assignments or one spouse may be granted LWOP for the duration of the tour of duty.

Approved For Release 2004/05/12 : CIA-RDP83-00156R000600030016-2
PERSONNEL
5 September 1978

DDA ADMINISTRATIVE
NOTICE NO. 78-11

EMPLOYMENT OF RELATIVES

Rescission: DDA Administrative Notice No. 76-18, dated
21 December 1976

Reference: Headquarters Regulation

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1. In lieu of the rescinded Notice, Directorate of Administration personnel will observe the referenced Regulation. It should be noted that the subject of employment of relatives and nepotism in general is governed by a very specific Federal Law. The Headquarters Regulation is based upon that Law, and compliance is essential.

2. The Federal Law prohibits a Federal employee from hiring or promoting a relative, advocating such hiring or promotion, or taking any discretionary action which tends to increase the relative's chances of being hired or promoted. Included in the prohibition are such actions as referring a relative for consideration for hiring to a subordinate in the chain of command; writing fitness reports on a relative; making informal written or oral performance assessments of a relative; and in general taking part in any personnel actions which tend to increase an employee's grade, pay, or rank. An action which increases an employee's relative standing in the Agency's organizational structure is subject to the restriction, even though no increase in grade or pay is involved. The law is designed to avoid favoritism based on blood or marriage ties. The penalty provided for contravention of these prohibitions is total forfeiture of pay by the employee promoted or advanced.

3. The rescinded Notice was very specific in its policy forbidding that relatives be employed in the same office or sub-group. Please note that this is no longer a restriction as long as compliance with the Headquarters Regulation and Federal Law is assured. Rather, personnel assignments should be made with an eye toward optimum use of Agency human resources. This revised policy will apply as well to overseas installations under the cognizance of the Office of Communications

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9. RESTRICTIONS ON EMPLOYMENT OF RELATIVES. In accordance with the stringent provisions of the Federal Salary Act of 1967 to preclude nepotism, this regulation contains restrictions on appointment, employment, promotion, or advancement of relatives.

a. DEFINITIONS

- (1) RELATIVE means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
- (2) PUBLIC OFFICIAL means an officer, a member of the uniformed services, an employee, and any other individual, in whom is vested the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.
- ↶ (3) CHAIN OF COMMAND is the line of supervisory personnel that runs from a public official to the head of the agency.

b. RESTRICTIONS

- (1) A public official will not advocate a relative for appointment, employment, promotion, or advancement to a position in the official's agency or in an agency over which jurisdiction or control is exercised by the official.
- (2) A public official will not appoint, employ, promote, or advance to a position in the official's agency or in an agency over which jurisdiction or control is exercised by the official:
 - (a) Any relative; or
 - (b) The relative of another public official of the official's agency, or of a public official who exercises jurisdiction or control over the official's agency, if the public official has advocated the appointment, employment, promotion, or advancement of that relative.
- ↶ (3) For the purpose of b(1) and (2) above, a public official who recommends a relative, or refers a relative for consideration by a public official standing lower in the chain of command, for appointment, employment, promotion, or advancement is deemed to have advocated the appointment, employment, promotion, or advancement of the relative.
- (4) An individual appointed, employed, promoted, or advanced in violation of (1), (2), or (3) above is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

c. EXCEPTIONS. Relatives may be temporarily employed without regard to the above restrictions to meet needs resulting from an emergency posing an immediate threat to life or property. Employment under these conditions will normally not exceed one month, but may be extended for a second month if the emergency need still exists.

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→Revised: 10 February 1977



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d. PENALTY

- ↳ (1) The penalty for violating the restrictions of this regulation are normally loss of the employee's position and the recovery of improperly paid wages from the employee.
- ↳ (2) Agency officials are cautioned to avoid any action, however well intentioned, which might jeopardize the related applicant's or employee's job.



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